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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, MARCH 28, 2019**

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# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 28, 2019

The Senate met in regular session at 9:02 a.m., President Schneider presiding.

Prayer was offered by Father Gehling, chaplain of Mercy One Hospital in Mason City, Iowa. He was the guest of Senator Ragan.

The 2019 Memorial Choir, directed by Representative Rob Bacon, sang a selection of songs.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jackson Birdwell.

The Journal of Wednesday, March 27, 2019, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Janet Phipps Burkhead, the governor's appointee to be Director of the Department of Administrative Services. She was the guest of Senators R. Smith and Giddens and the committee on State Government.

The Secretary of the Senate introduced Gerd Clabaugh, the governor's appointee to be Director of Public Health. He was the guest of Senators Miller-Meeks and Carlin and the committee on Human Resources.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:32 a.m., President Schneider presiding.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 570](#).

[Senate File 570](#)

On motion of Senator Sweeney, [Senate File 570](#), a bill for an act providing for immunity from civil liability for registered architects and professional engineers providing disaster emergency assistance under specified circumstances, was taken up for consideration.

Senator Sweeney offered amendment [S-3088](#), filed by her from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3088](#) was adopted by a voice vote.

With the adoption of amendment [S-3088](#), the Chair ruled the following amendments out of order:

Amendment [S-3054](#), filed by Senator Sweeney on March 20, 2019, to pages 1–2 of the bill; and

Amendment [S-3057](#), filed by Senator Hogg on March 20, 2019, to pages 2 and 3 of the bill.

Senator Sweeney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 570](#)), the vote was:

Yeas, 48:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Feenstra	Garrett	Giddens

Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Breitbach            Nunn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS  
(Deferred March 19, 2019)

**[Senate File 376](#)**

The Senate resumed consideration of **[Senate File 376](#)**, a bill for an act relating to the health education requirement for grades nine through twelve under the education standards, deferred March 19, 2019.

Senator Edler withdrew amendment **[S-3089](#)**, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Mathis asked and received unanimous consent that action on **[Senate File 376](#)** be **deferred**.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 170 and 333.

### [Senate File 170](#)

On motion of Senator Rozenboom, [Senate File 170](#), a bill for an act relating to the publication duties of and the filling of vacancies on county agricultural extension councils and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Rozenboom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 170](#)), the vote was:

Yeas, 48:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Feenstra	Garrett	Giddens
Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Breitbach	Nunn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 333](#)

On motion of Senator Zaun, [Senate File 333](#), a bill for an act relating to nonsubstantive Code corrections, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 333](#)), the vote was:

Yeas, 48:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Feenstra	Garrett	Giddens
Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Breitbach            Nunn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **Senate Files 170, 333, and 570** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 334](#).

### [Senate File 334](#)

On motion of Senator Schultz, [Senate File 334](#), a bill for an act relating to public assistance program oversight, was taken up for consideration.

Senator Mathis offered amendment [S-3087](#), filed by Senators Mathis and Ragan on March 27, 2019, to pages 1 and 5 of the bill.

Senator Schultz raised the point of order that amendment [S-3087](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3087](#) out of order.

Senator Schultz withdrew amendment [S-3067](#), filed by him on March 21, 2019, to pages 1, 2, 4, and 5 of the bill.

Senator Schultz offered amendment [S-3080](#), filed by him on March 27, 2019, to pages 1, 2, 4, and 5 of the bill.

Senator Dotzler asked and received unanimous consent that action on amendment [S-3080](#) and [Senate File 334](#) be **deferred**.

### RECESS

On motion of Senator Whitver, the Senate recessed at 11:12 a.m. until the completion of a meeting of the committee on Appropriations.

### RECONVENED

The Senate reconvened at 1:18 p.m., President Schneider presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sweeney, until she returns, on request of Senator Whitver.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 524, 340, and 528.

**Senate File 524**

On motion of Senator Whiting, **Senate File 524**, a bill for an act relating to sexual exploitation by a youth athletics coach and providing penalties, was taken up for consideration.

Senator Whiting offered amendment **S-3084**, filed by him on March 27, 2019, to pages 1 and 2 of the bill, and moved its adoption.

Amendment **S-3084** was adopted by a voice vote.

Senator Whiting moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 524**), the vote was:

Yeas, 47:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Feenstra	Garrett	Giddens
Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Taylor, R.	Taylor, T.	Wahls	Whiting
Whitver	Zaun	Zumbach	

Nays, none.

Absent, 3:

Breitbach	Nunn	Sweeney
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 340](#)

On motion of Senator Edler, [Senate File 340](#), a bill for an act relating to the notification of a county commission of veteran affairs of the incarceration of a veteran at a jail or municipal holding facility, was taken up for consideration.

Senator Edler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 340](#)), the vote was:

Yeas, 47:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Feenstra	Garrett	Giddens
Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Taylor, R.	Taylor, T.	Wahls	Whiting
Whitver	Zaun	Zumbach	

Nays, none.

Absent, 3:

Breitbach	Nunn	Sweeney
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 528](#)

On motion of Senator Sinclair, [Senate File 528](#), a bill for an act relating to self-service storage facilities, including the creation and enforcement of liens on personal property within leased spaces, was taken up for consideration.

Senator Sinclair offered amendment [S-3051](#), filed by her on March 19, 2019, to pages 5 and 6 of the bill.

Senator Sinclair offered amendment [S-3090](#), filed by her from the floor to page 1 of amendment [S-3051](#), and moved its adoption.

Amendment [S-3090](#) to amendment [S-3051](#) was adopted by a voice vote.

Senator Sinclair moved the adoption of amendment [S-3051](#), as amended.

Amendment [S-3051](#), as amended, was adopted by a voice vote.

With the adoption of amendment [S-3051](#), the Chair ruled amendment [S-3094](#), filed by Senator Petersen from the floor to page 7 of the bill, out of order.

Senator Sinclair moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 528](#)), the vote was:

Yeas, 35:

Behn	Bisignano	Brown	Carlin
Chapman	Costello	Cournoyer	Dawson
Edler	Feenstra	Garrett	Greene
Guth	Johnson	Kapucian	Kinney
Koelker	Kraayenbrink	Lofgren	Lykam
Miller-Meeks	Quirnbach	Ragan	Rozenboom
Schneider	Schultz	Segebart	Shiple
Sinclair	Smith, R.	Taylor, R.	Whiting
Whitver	Zaun	Zumbach	

Nays, 12:

Bolkcom	Boulton	Celsi	Dotzler
Giddens	Hogg	Jochum	Mathis
Petersen	Smith, J.	Taylor, T.	Wahls

Absent, 3:

Breitbach	Nunn	Sweeney
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **Senate Files 340, 524, and 528** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 589, 487, and 410.

[Senate File 589](#)

On motion of Senator Dawson, [Senate File 589](#), a bill for an act relating to criminal law and procedure including certain related administrative proceedings, providing penalties, and including effective date and applicability provisions, was taken up for consideration.

Senator Dawson offered amendment [S-3093](#), filed by him from the floor to pages 1–4, 6, 10, 12, 13, and 16–18 of the bill.

The Senate stood at ease at 1:51 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 3:04 p.m., President Schneider presiding.

Senator Dawson asked and received unanimous consent that action on amendment [S-3093](#) and [Senate File 589](#) be **deferred**.

[Senate File 487](#)

On motion of Senator Sinclair, [Senate File 487](#), a bill for an act modifying the periods of time to bring criminal actions for sexual offenses against a minor, providing penalties, and including effective date provisions, was taken up for consideration.

Senator Sinclair asked and received unanimous consent that action on [Senate File 487](#) be **deferred**.

**Senate File 410**

On motion of Senator Zaun, **Senate File 410**, a bill for an act requiring that a primary runoff election be held in the event of an inconclusive primary election for certain offices, and including effective date and applicability provisions, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 410**), the vote was:

Yeas, 46:

Behn	Bisignano	Bolkcom	Boulton
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Petersen	Quirnbach	Ragan	Rozenboom
Schneider	Schultz	Segebart	Shiple
Sinclair	Smith, J.	Smith, R.	Taylor, R.
Taylor, T.	Wahls	Whiting	Whitver
Zaun	Zumbach		

Nays, none.

Absent, 4:

Breitbach	Feenstra	Nunn	Sweeney
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**IMMEDIATELY MESSAGED**

Senator Whitver asked and received unanimous consent that **Senate File 410** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2019, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 210](#), a bill for an act providing for the designation of a lay caregiver relating to a patient's inpatient stay at a hospital.

[Senate File 534](#), a bill for an act relating to the use of gasification and pyrolysis facilities for the conversion of certain recoverable waste materials.

ALSO: That the House has on March 28, 2019, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Joint Resolution 14](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Read first time under Rule 28 and referred to committee on **Judiciary**.

ALSO: That the House has on March 28, 2019, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 289](#), a bill for an act concerning the distribution of gambling game receipts for charitable purposes.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

[House File 311](#), a bill for an act relating to applications involving state licenses issued or renewed by the department of agriculture and land stewardship to commercial establishments involved in the care of certain nonagricultural animals.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[House File 638](#), a bill for an act relating to landlord remedies and procedures relating to failure to timely pay rent, abandonment, and forcible entry and detainer.

Read first time under Rule 28 and attached to **similar** [Senate File 463](#).

[House File 680](#), a bill for an act relating to prescription drug benefits, pharmacies, pharmacy benefit managers, making penalties applicable, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[House File 689](#), a bill for an act relating to the removal of county veterans service officers.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

[House File 731](#), a bill for an act relating to mandatory child abuse and dependent adult abuse reporter training requirements.

Read first time under Rule 28 and attached to **similar** [Senate File 544](#).

[House File 737](#), a bill for an act relating to the regulation of persons involved with animals other than livestock and certain wild animals, providing for criminal offenses and court orders associated with animal mistreatment, and including penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

#### ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 3:19 p.m. until 1:00 p.m., Monday, April 1, 2019.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Linda K. Gehrke, NP, ARNP from Iowa Falls—For receiving the 2015 American Association of Nurse Practitioners State of Iowa Award. Senator Sweeney.

Morgan's Corner, Ottumwa—For being nominated for Iowa's Best Burger. Senator Miller-Meeks.

The Rash Family—For their commitment to agriculture and dedication to their family farm. Senator Sweeney.

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** Thursday, March 28, 2019, 11:20 a.m.

**Members Present:** Kraayenbrink, Vice Chair; Bolcom, Ranking Member; Celsi, Costello, Dotzler, Garrett, Greene, Guth, Johnson, Koelker, Lofgren, Lykam, Mathis, Miller-Meeks, Ragan, Rozenboom, Schneider, Shipley, T. Taylor, and Wahls.

**Members Absent:** Breitbach, Chair (excused).

**Committee Business:** [SSB 1250](#), [SSB 1252](#), and governor's appointments to Enhance Iowa Board.

**Adjourned:** 12:55 p.m.

### INTRODUCTION OF RESOLUTIONS

[Senate Resolution 15](#), by Kraayenbrink, a resolution for commending Iowa Public Television on the statewide educational network's 50th anniversary and recognizing March 31, 2019, as Iowa Public Television Day at the Iowa State Capitol.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 16](#), by Chapman, a resolution for recognizing and supporting the federal government's efforts to combat illegal robocalling and spoofing.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### INTRODUCTION OF BILLS

[Senate File 607](#), by Schneider, a bill for an act establishing the minimum age relative to various activities relating to tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes, making penalties applicable, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 608](#), by committee on Appropriations, a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, the college student aid commission, and the state board of regents and certain regents institutions, and properly related matters.

Read first time under Rule 28 and **placed on Appropriations calendar**.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House Joint Resolution 14](#)

JUDICIARY: Dawson, Chair; Chapman and Hogg

##### [House File 599](#)

NATURAL RESOURCES AND ENVIRONMENT: Cournoyer, Chair; Boulton and Shipley

##### [House File 743](#)

STATE GOVERNMENT: Cournoyer, Chair; Giddens and Johnson

## FINAL COMMITTEE REPORT OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 608 \(SSB 1250\)](#), a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, the college student aid commission, and the state board of regents and certain regents institutions, and properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 12: Kraayenbrink, Costello, Garrett, Greene, Guth, Johnson, Koelker, Lofgren, Miller-Meeks, Rozenboom, Schneider, and Shipley. Nays, 8: Bolcom, Celsi, Dotzler, Lykam, Mathis, Ragan, T. Taylor, and Wahls. Absent, 1: Breitbach.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 608](#), and they were attached to the committee report.

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

#### APPROPRIATIONS

Michael Broshar – Enhance Iowa Board  
 Rita Frahm – Enhance Iowa Board  
 Lisa Hein – Enhance Iowa Board  
 Valerie Van Kooten – Enhance Iowa Board  
 Mary Wells – Enhance Iowa Board

#### AMENDMENTS FILED

<a href="#">S-3088</a>	<a href="#">S.F. 570</a>	Annette Sweeney
<a href="#">S-3089</a>	<a href="#">S.F. 376</a>	Jeff Edler
<a href="#">S-3090</a>	<a href="#">S.F. 528</a>	Amy Sinclair
<a href="#">S-3091</a>	<a href="#">S.F. 376</a>	Liz Mathis Herman C. Quirmbach
<a href="#">S-3092</a>	<a href="#">S.F. 376</a>	Liz Mathis
<a href="#">S-3093</a>	<a href="#">S.F. 589</a>	Dan Dawson
<a href="#">S-3094</a>	<a href="#">S.F. 528</a>	Janet Petersen
<a href="#">S-3095</a>	<a href="#">S.F. 589</a>	Claire Celsi Zach Wahls